

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

In re the Application of

Inventors : Eric Jonsen
Application No. : 10/573,065 From PCT/IB04/51717
Filed : March 23, 2006
**For : IDENTIFICATION SYSTEM FOR
DEFIBRILLATOR ELECTRODE PACKAGE**

REPLY BRIEF

On Appeal from Group Art Unit 4148

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I. ARGUMENT

The present invention is directed to a method and apparatus for identifying the type of electrode in an electrode package of an automatic external defibrillator (AED). A shaped conductive label is attached to the electrode package, and the shape of the conductive path(s) of the label is read by the AED to identify the type of electrode in the package. The type of electrode may be an adult electrode, a pediatric electrode, or a training electrode, for example. This invention avoids the need to modify the electrode or its connector to add a passive electrical component to the electrode or its package, or to read the value of the electrical component in the package, a typical prior art approach. The same package may be used for all types of electrodes. It is only necessary to attach the shaped conductive label to the package at the end of the manufacturing process to identify the packaged electrode to the AED.

In the Examiner's Answer the claimed invention is said to be unpatentable in light of Olson et al., which describes the approach of including a "passive electrical component 400" (col. 8, lines 39-40) such as a resistor, capacitive element or inductive element (col. 9, lines 13-15) in the electrode package. An "active component 418" (col. 9, line 32) is also suggested as an alternative.

The Examiner's Answer admits that Olson et al. does not provide a shaped conductive label (page 4, first paragraph). But the next paragraph of the Answer simply says, without more, that a label with a particular shape would be obvious. It is respectfully submitted that this leap to the shaped conductive label of the present invention cannot be made. There is nothing in Olson et al. or any other cited reference that would suggest replacing the resistor, capacitor, or inductor, whose component value is the essential characteristic, with a shaped conductive label whose shape is significant. It is true that the present invention, when explained to one skilled in the art, can be quickly and easily understood. But it is respectfully submitted that the fact that an invention can be quickly comprehended once it is explained does not mean that it is obvious in view of the prior art. Furthermore, the benefits provided by the invention described above, including its ease of use in a manufacturing line for AED electrodes, are not provided by the prior art solution. It is therefore respectfully submitted that resistor 406 of Olson et al. cannot be converted into applicant's shaped conductive label as the Examiner's Answer has done.

The Board should also take note of the fact that subsequent rejections following page 4 of the Examiner's Answer are phrased as though the prior art describes a shaped conductive label. This is not the case. All subsequent references to a shaped conductive label in the Examiner's Answer are actually references to the converted resistor 406 of Olson et al. There is no shaped conductive label found in any of the cited references. It is respectfully requested that the Board take note of this fact.

II. CONCLUSION

Based on the law and the facts, it is respectfully submitted that Claims 1-3, 5-7, 9, 12-17 and 19 are patentable over Olson et al., that Claims 4, 8-10 and 18 are patentable over the combination of Olson et al. and Verness et al., and that Claim 11 is patentable over Olson et al. in combination with Wheeler. Accordingly, it is respectfully requested that this Honorable Board reverse the grounds of rejection of these claims stated in the May 13, 2008 Office action being appealed.

Respectfully submitted,

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APPENDIX A: CLAIMS APPENDIX

The following Claims 1-20 are the claims involved in the appeal.

1. (previously presented) A method for identifying an electrode type in an automatic external defibrillator comprising the steps of:
 - providing on an automatic external defibrillator electrode package which includes an electrical connector for coupling an electrode to the defibrillator a shaped conductive label having a conductive path that uniquely identifies a type of electrode contained therein;
 - coupling the electrode electrical connector to an electrode connector of the defibrillator; and
 - coupling one or more conductors to the shaped conductive label when the automatic external defibrillator electrode package is coupled to the defibrillator.
2. (previously presented) The method according to claim 1, further comprising the step of:
 - sensing a shape of the shaped conductive label with the one or more conductors to ascertain the type of electrode contained therein.
3. (previously presented) The method according to claim 1, further comprising the step of:
 - selecting an operating mode for the automatic external defibrillator based on the shape of the shaped conductive label.
4. (previously presented) The method according to claim 2, wherein said sensing step further comprises redundantly sensing two or more portions of said shape of the shaped conductive label with two or more conductors to ascertain the type of electrode contained therein.
5. (previously presented) An electrode package for an automatic external defibrillator comprising:
 - a cartridge for containing one or more electrodes of a particular type; and
 - a shaped conductive label disposed on the cartridge, said shaped conductive label uniquely identifying the particular type of electrode contained therein via the shape of said shaped label.
6. (previously presented) An automatic external defibrillator comprising:
 - one or more electrode cartridges, each containing one or more electrodes of a particular type; and
 - one or more shaped conductive labels, each disposed on one of the one or more electrode cartridges, each of said one or more shaped conductive labels uniquely identifying a particular type of electrode contained therein based on the shape of said shaped label.

7. (previously presented) The automatic external defibrillator according to claim 6, further comprising:
an electrode cartridge receptacle to accept each of the one or more electrode cartridges, said electrode cartridge receptacle including one or more sensing pins to couple in a unique pattern to the one or more shaped conductive labels when each of the one or more electrode cartridges is inserted into the electrode cartridge receptacle.
8. (previously presented) The automatic external defibrillator according to claim 7, wherein said sensing pins are disposed to couple in a unique pattern to two or more portions of each of said shaped conductive labels to redundantly identify said particular type of electrode.
9. (previously presented) The automatic external defibrillator according to claim 7, further comprising:
a processor establishing a mode of operation of the automatic external defibrillator based on the particular one of the one or more shaped conductive labels sensed by the one or more sensing pins.
10. (previously presented) The automatic external defibrillator according to claim 7, wherein each of the one or more sensing pins comprises a spring-loaded pin to maintain said each sensing pin in electrical contact with the one or mode shaped conductive labels when each of the one or more electrode cartridges is inserted into the electrode cartridge receptacle.
11. (previously presented) The automatic external defibrillator according to claim 7, wherein each of the one or more shaped conductive labels comprises a gold-plated metal.
12. (previously presented) The automatic external defibrillator according to claim 9, wherein each of the one or more shaped conductive labels comprises a unique shape.
13. (previously presented) The automatic external defibrillator according to claim 12, wherein the one or more sensing pins sense the unique shape of the one or more shaped conductive labels when each of the one or more electrode cartridges is inserted into the electrode cartridge receptacle.
14. (previously presented) The automatic external defibrillator according to claim 13, wherein the processor establishes a mode of operation of the automatic external defibrillator based on the sensed shape of the conductive label.
15. (previously presented) The automatic external defibrillator according to claim 7, wherein each of the automatic external defibrillator electrode cartridges includes two contacts for electrically connecting patient electrodes to the automatic external defibrillator and the automatic external defibrillator electrode cartridge receptacle includes two contacts for electrically connecting the automatic external defibrillator to the two contacts on each of the automatic external defibrillator

electrode cartridges, and said two contacts on the automatic external defibrillator electrode cartridge receptacle are different than said one or more sensing pins.

16. (previously presented) A method for identifying an electrode type in an automatic external defibrillator comprising the steps of:

providing a first conductive label on a first type of an automatic external defibrillator electrode package, said first conductive label having a first shape that uniquely identifies a type of electrode contained therein; and

providing a second conductive label on a second type of an automatic external defibrillator electrode package, said second conductive label having a second shape that uniquely identifies a type of electrode contained therein.

17. (previously presented) The method according to claim 16, further comprising the step of:

coupling one or more pins to the first or second conductive label when the automatic external defibrillator electrode package on which the first or second conductive label, respectively, is disposed is coupled to the defibrillator.

18. (previously presented) The method according to claim 17, wherein the one or more pins comprise one or more spring-loaded pins.

19. (previously presented) The method according to claim 17, further comprising the step of:

sensing a shape of the shaped conductive label with the one or more pins to ascertain a type of electrode contained therein.

20. (previously presented) The method according to claim 16, further comprising the step of:

selecting an operating mode for the automatic external defibrillator based on the shape of the first and second shaped conductive labels.